

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Patrick Lewis Blott, et al.
App. No	:	10/575,871
Filed	:	January 29, 2007
For	:	WOUND CLEANSING APPARATUS IN-SITU
Examiner	:	Hawthorne, Ophelia Althea
Art Unit	:	3772
Conf No.	:	6837

COMMENTS ON STATEMENTS OF REASONS FOR ALLOWANCE

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant makes the following comments in response to the Examiner's Statement of Reasons for Allowance in the Notice of Allowance mailed on September 28, 2010 (hereinafter, "Statement of Reasons for Allowance" or "Statement").

Applicants respectfully disagree with the Examiner's Statement of Reasons for Allowance to the extent that the Statement implies that the patentability of the claims rests solely on the distinction of the Swanbeck reference (WO 84/01904) over the claim language from one of the allowed independent claims (claim 11). Applicants respectfully submit that *each* allowed claim recites novel features and combinations of features not taught or suggested by the prior art, and that these claims are thus allowable even if these do not recite the claim elements recited in the Statement.

For example, allowed claim 24 recites a method of treating a wound comprising

positioning a wound dressing over a wound, the wound dressing comprising a backing layer, so that the backing layer forms a seal around at least a portion of a wound;
removing fluid containing wound exudate from the wound;
cleansing the wound exudate beneath the wound dressing; and
returning the cleansed fluid to the wound.

Even though this claim 24 does not contain the same limitations as the claim 11 the Examiner referred to in her Statement, Applicants submit that the prior art does not teach, suggest, or render obvious the combination of features as recited by this claim or its dependents. Similarly, allowed claim 28 recites an apparatus for cleansing wounds comprising

a conformable wound dressing comprising a backing layer capable of forming a seal over at least a portion of the wound;

a film configured to define a space beneath the backing layer and an upper surface of the film;

a filter configured to be positioned between the wound and the backing layer, the filter configured to retain wound exudate in the space between the film and the backing layer; and

an outlet tube for communicating with a vacuum source and applying vacuum to the wound to draw wound exudate into the space between the film and the backing layer.

Further, allowed claim 38 recites a method for cleansing wounds comprising

positioning a wound dressing over a wound, the wound dressing comprising a backing layer that forms a seal around at least a portion of the wound and a film beneath the backing layer defining a space between the backing layer and an upper surface of the film capable of containing wound exudate from the wound;

removing fluid from the wound using negative pressure; and

filtering at least a portion of said fluid to retain wound exudate in the space defined by the film beneath the backing layer.

Both allowed claims 28 and 38 recite limitations different from those recited in the Examiner's Statement. However, as with claim 24 above, Applicants submit that these claims as well as their dependent claims all recite combinations of features not taught or suggested by the prior art. More particularly, although these claims listed above do not recite (for example) a recirculation path or a moving device as found in claim 11, they nevertheless contain novel features allowable over the prior art.

Further, to the extent that the Statement characterizes the language or scope of the claims pending in this application, Applicants wish to note that it is the language of the claims themselves—and not the Examiner's characterization of such language—which determines the scope of the claims.

App. No. 10/575,871
Filed: January 29, 2007

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 10/11/10

By: 

Lorenz Siddiqi
Registration No. 59,404
Attorney of Record
Customer No. 20995
(949) 760-0404

9758327